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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Case No. 2:20-mj-00695-BNW

16 Plaintiff,

17 **STIPULATION TO EXTEND
18 DEADLINES TO CONDUCT
19 PRELIMINARY HEARING AND
20 FILE INDICTMENT**

21 v.

22 JUAN ZUBIAS-GAMEZ,

23 Defendant.

24 (Third Request)

25 It is stipulated and agreed to by and between United States Attorney Nicholas A. Trutanich and Assistant United States Attorney Kimberly Frayn, counsel for the United States of America, and Federal Public Defender Rene L. Valladares and Assistant Federal Public Defender Sylvia Irvin, counsel for Defendant Juan Zubias-Gamez, that the preliminary hearing and the deadline to file the indictment both currently scheduled for November 30, 2020, be continued for 14 days.

26 The Stipulation is entered into for the following reasons:

27 1. On August 13, 2020, Mr. Zubias-Gamez made an initial appearance on a
28 complaint charging him with one count of illegal re-entry. ECF No. 1.

1 2. The parties previously have asked the Court to continue the preliminary hearing
2 deadline and the deadline for the indictment to be filed. *See* ECF Nos. 12, 15. The Court has
3 granted both requests. *See* ECF Nos. 13, 16.

4 3. The Government has offered Mr. Zubias-Gamez a plea offer that requires him
5 to waive specific rights and hearings in exchange for a “fast-track” downward departure under
6 USSG § 5K3.1. The offer will be withdrawn if it is not accepted before this matter is indicted
7 and before a preliminary hearing is held.

8 4. Mr. Zubias-Gamez needs more time to consider the plea offer. He has
9 authorized undersigned counsel to ask for an additional 14 days to continue the preliminary
10 hearing and the time to file the indictment.

11 5. The parties agree to the extension of the preliminary hearing deadline as stated
12 in Federal Rule of Criminal Procedure 5.1(c), and an extension of the time for the Government
13 to file an indictment in this case as stated in 18 U.S.C. § 3161(b).

14 6. The parties understand that this requested additional time is excludable in
15 computing the time within which the defendant must be indicted and the trial must commence
16 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of
17 Criminal Procedure 5.1, and considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and
18 (iv).

19 7. Mr. Zubias-Gamez is in custody and agrees to this stipulation.

20 8. This is the third request to continue the preliminary hearing.

21 DATED this 23rd day of November, 2020

22 RENE L. VALLADARES
23 Federal Public Defender

24 NICHOLAS TRUTANICH
25 United States Attorney

26 By: Sylvia A. Irvin
27 SYLVIA A. IRVIN
28 Assistant Federal Public Defender

29 By: Kimberly M. Frayn
30 KIMBERLY M. FRAYN
31 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUAN ZUBIAS-GAMEZ,
Defendant.

Case No. 2:20-mj-00695-BNW

ORDER

Based on the stipulation of counsel, good cause appearing, and in the best interest of justice being served, the Court finds that the time requested by this stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), Federal Rule of Criminal Procedure 5.1, and considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv); and

IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled for November 30, 2020, at 9:00a.m., be vacated and continued to 12/14/2020 at 10:00 AM

DATED this 24th day of November, 2020

UNITED STATES MAGISTRATE JUDGE